

1 HOUSE BILL NO. 390

2 INTRODUCED BY J. SHOCKLEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING IMMUNITY FROM CIVIL DAMAGES FOR INJURY
5 TO A PERSON OR PROPERTY DAMAGE ARISING FROM AN ALLOWABLE USE OF FORCE."

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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9 NEW SECTION. **Section 1. Civil damages immunity for injury caused by legal use of force.** (1)

10 A use of force allowable under the provisions of Title 45, chapter 3, part 1, provides immunity to the
11 person using the force from civil damages for injury to any person or property arising from injury to the
12 person, or damage to the property of the person, against whom the force was used.

13 (2) Conviction of a crime committed by the person who was injured or whose property was
14 damaged by the use of force is not a prerequisite to a defense under subsection (1), but it is evidence that
15 the act or omission to which the use of force was a response occurred.

16 (3) The reasonableness of the use of force must be determined in light of the circumstances at
17 the time that the force was used.

18 (4) ~~A person who prevails on~~ THE PREVAILING PARTY IN AN ACTION IN WHICH a defense IS ASSERTED
19 under this section is entitled to costs and reasonable attorney fees ~~from a person against whom the~~
20 ~~defense was asserted.~~

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